

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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BARBARA STEELE,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 16-67V

Special Master Christian J. Moran

Filed: November 21, 2019

Damages; decision based on proffer;
influenza (“flu”) vaccination; tetanus-
diphtheria-acellular pertussis
(“Tdap”) vaccination; shoulder injury.

Brian L. Burchett, Burchett Law Firm, San Diego, CA, for Petitioner;
Alexis B. Babcock, U.S. Dep’t of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION AWARDING DAMAGES¹

On January 12, 2016, Barbara Steele filed a petition seeking compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-1 et seq., alleging that the influenza (“flu”) and tetanus-diphtheria-acellular pertussis (“Tdap”) vaccinations caused her to suffer shoulder injuries related to vaccine administration (“SIRVA”) in both shoulders. On May 23, 2016, the former chief special master ruled, based upon respondent’s concession, see Resp’t’s Rep., filed May 23, 2016, that petitioners are entitled to compensation under the Vaccine Act.

On November 20, 2019, respondent filed a Proffer on Award of Compensation, to which petitioner agrees. Based upon the record as a whole, the special master finds the proffer reasonable and that petitioner is entitled to an

¹ The E-Government Act, 44 § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

award as stated in the Proffer. Pursuant to the attached Proffer the court awards petitioner:

1. **A lump sum payment of \$2,583,262.00, representing compensation for lost earnings and pain and suffering, in the form of a check payable to petitioner, Barbara Steele. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 17-1557V according to this decision and the attached proffer.²

Any questions may be directed to my law clerk, Haley Hawkins, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.